

REMARKS

Responsive to the preliminary determination of lack of unity set forth in the Official Action mailed on August 25, 2004, applicants provisionally elect Group I, claims 1-16, with traverse. As to the requirement for an election of species, applicants provisionally elect the species as follows:

- a) somatic stem cells at the origin of skin; and
- b) TGF β as an inhibitor.

In this regard, claims 14 and 15 have been amended to recite the elected species of somatic stem cells at the origin of skin. Support for this amendment may be found in the present specification at page 5, lines 3-4. Applicants believe that the preliminary determination of lack of unity is improper and respectfully request that the lack of unity determination be withdrawn.

Applicants believe that the Official Action does not comply with the requirements of PCT Rules 13.1 and 13.2, seeking to justify the lack of unity determination. Specifically, the definition of "special technical feature" in PCT Rule 13.2 is art-based. Therefore, a proper lack of unity determination would require a citation of a reference showing the common core exhibited by the compounds of present claims 1 and 2. No such citation having been made, the lack of unity determination is improper as a matter of law.

Indeed, applicants respectfully submit that the claims of Group I and II do share a special technical feature, which renders a lack of unity determination there between entirely inappropriate.

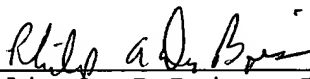
The methods both utilize non-differentiated cells of the present invention.

Thus, in light of the above discussion, it is believed that the applicants are entitled to an action on the merits of all the claims 1-17, in their full scope, in the present application. Such action is accordingly respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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PD/mjr
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